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6 Attorneys for Third-Party Defendant/Counterclaimant
MAXIMUS, Inc.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 LAURA FUJISAWA, et al.,) CASE NO. 3:07-cv-05642-BZ
12 Plaintiffs,)
13 v.)
14 COMPASS VISION, INC., et al.,)
15 Defendants.) Complaint Filed: November 6, 2007
16) Judge: Hon. Bernard Zimmerman
17) Trial: November 29, 2010
18)
19 COMPASS VISION, INC.)
20 Third-Party Plaintiff/Counter-) Third Party Complaint Filed: April 14, 2008
21 Defendant,)
22 v.)
23 MAXIMUS, INC.)
24 Third-Party Defendant/Counterclaimant.)

STIPULATION AND [PROPOSED] ORDER

WHEREAS, on January 9, 2008, Plaintiff Laura Fujisawa, *et al.* (“Plaintiffs”) filed an Amended Complaint raising claims of negligence against Defendants Compass Vision, Inc. (“COMPASS”) and National Medical Services, Inc. d/b/a NMS Labs (“NMS”);

5 WHEREAS, on April 14, 2009, COMPASS filed a Third Party Impleader Complaint
6 against Third Party Defendant MAXIMUS, Inc. (“MAXIMUS”) and on August 25, 2009,
7 COMPASS filed an Amended Third Party Impleader Complaint against MAXIMUS;

8 WHEREAS, on December 28, 2009, MAXIMUS filed an Answer and Counterclaim to
9 Compass's First Amended Third Party Impleader Complaint;

10 WHEREAS during depositions on May 25, 2010 and May 27, 2010, witnesses affiliated
11 with two State of California medical licensing boards testified to facts describing the applicable
12 State disciplinary, enforcement and probationary processes through which Plaintiffs were
13 involved in the Program that is the subject of this litigation;

14 WHEREAS MAXIMUS now desires, based on such newly acquired admissible
15 evidence, to amend its Answer to Compass's First Amended Third Party Impleader Complaint
16 to assert additional affirmative defenses of: absolute privilege pursuant to Cal. Civ. Code § 47
17 and applicable case law; privilege and immunity pursuant to authorities including but not
18 limited to Cal. Civ. Code § 47 and applicable case law; waiver; and privilege and
19 confidentiality pursuant to Cal. Bus. & Prof. Code §§ 156.1, 2770.12, and 4372, and Cal. Evid.
20 Code § 1041; and

WHEREAS, Compass has so stipulated and plaintiffs have been notified and not objected, and no party shall be prejudiced by the proposed amendments by MAXIMUS to its Answer to Compass's First Amended Third Party Impleader Complaint;

24 THE PARTIES, THROUGH THEIR RESPECTIVE ATTORNEYS OF
25 RECORD, HEREBY STIPULATE and request the Court for leave to permit MAXIMUS to
26 file its First Amended Answer and Counterclaim to Compass Vision, Inc.'s First Amended
27 Third Party Impleader Complaint. A true and correct copy of the proposed First Amended
28 Answer and Counterclaim to Compass Vision, Inc.'s First Amended Third Party Impleader

1 Complaint is attached hereto as Exhibit "A." (As the Counterclaim remains the same as
2 originally pled, Compass' existing Answer on file thereto shall continue to be operative.)

3 IT IS SO STIPULATED.

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5 DATED: June 11, 2010

GREENBERG TRAURIG, LLP

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Dated: June 11, 2010

SWIDER MEDEIROS HAVER, LLP

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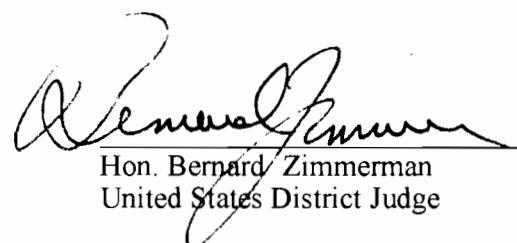
[PROPOSED] ORDER

18 PURSUANT TO STIPULATION, LEAVE TO FILE MAXIMUS' AMENDED THIRD
19 PARTY ANSWER IS SO ORDERED.

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Dated: 14 June 2010



Hon. Bernard Zimmerman
United States District Judge

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